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NATIONAL EMPLOYMENT CENTRE DECREE 2009
(DECREE NO. 54 OF 2009)

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GOVERNMENT OF FIJI

NATIONAL EMPLOYMENT CENTRE DECREE 2009
(DECREE NO. 54 OF 2009)

A DECREE TO REFORM THE MANAGEMENT OF EMPLOYMENT CREATION SERVICES

IN exercise of the powers vested in me as the President and Commander in Chief of the Republic of Fiji Military Forces, I hereby make the following Decree—

PART 1—PRELIMINARY

Short title

1. This Decree may be cited as the National Employment Centre Decree 2009.

Object of this Decree

2. The object of this Decree is to provide a reformative legislative framework which enables the provision of quality employment services to the unemployed and also the creation of decent and environmentally sustainable employment to promote productivity, welfare and prosperity of all Fiji's people by—

- (a) establishing a “one-stop shop” National Employment Centre infrastructure throughout the Fiji Islands under the jurisdiction of the Ministry of Labour to provide quality skills training, human resources development and utilisation services to enhance the employability of unemployed persons, retirees and volunteers for both the local and overseas employment markets through quality consolidation, facilitation, coordination and monitoring of all existing employment creation services within Government;
- (b) providing a structure of responsibilities and rights for the National Employment Centre Board, the National Employment Centre Secretariat and agencies engaged in employment creation matters to better regulate their management and operation to international quality and governance standards to boost employment creation and productivity and contribute to the alleviation of poverty;
- (c) establishing the Formal Employment Service, the Self-Employment Service, the Fiji Volunteer Service and the Foreign Employment Service to cost-effectively carry out their powers, functions and duties under the oversight of the National Employment Centre to promote good governance;
- (d) encouraging effective and efficient consultations and communications between Employment Creation Services and the National Employment Centre for quality strategic management of employment creation information, data and challenges, including the performances of Employment Creation Services;
- (e) promoting decent and environment-friendly employment opportunities and career advancement for all unemployed persons in the labour market, including persons with disabilities, as well as securing, investing and utilising funds to boost employment creation activities;
- (f) promoting opportunities for decent self-employment, entrepreneurship, the starting and development of small and micro enterprise businesses or cooperatives including social enterprises, green productivity and local economic development programmes through sustainable enterprise development;
- (g) promoting decent vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities;
- (h) helping to prevent and eliminate direct and indirect discrimination to any unemployed person or volunteer involved in any employment creation service on the basis of race, colour, gender, sexual orientation, age, physical or mental disability, HIV/AIDS status, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin;
- (i) complying with international obligations relating to human development and climate change, and giving effect to the Government's employment creation policies; and
- (j) effectively addressing any other related matters.

Commencement

- 3.—(1) This Decree commences on a date or dates appointed by the Minister by notice in the *Gazette*.
- (2) The Minister may appoint different dates for the commencement of different provisions of this Decree.

Application

4.—(1) Subject to subsection (3), this Decree applies to all unemployed and unemployable persons who are citizens or residents of the Fiji Islands, the National Employment Centre Board, the National Employment Centre Secretariat, including the Employment Creation Services operating in both the public and private sectors in the Fiji Islands which are constituted under this Decree.

- (2) This Decree covers all industries in the Fiji Islands.
- (3) This Decree does not apply to any child or person engaged on a contract of service or contract for service, unless the person is registered as a part-time worker or volunteer with the National Employment Centre.

Interpretation

5.—(1) In this Decree, unless the context otherwise requires—

“accredited trainer” means a trainer who is accredited with the Training and Productivity Authority of Fiji or other recognised local, regional or international training institutions;

“apprentice” means a person undertaking apprenticeship under the Training and Productivity Authority of Fiji Act;

“attachment” means workplace or business attachment undertaken under Part 8 or Part 9 of this Decree;

“attaché” means an unemployed person who is registered with the National Employment Centre and undertakes skills training or workplace attachment or business attachment under Part 8 or Part 9 of this Decree. An attaché is not an individual who is under a ‘contract of service’ as defined under section 4 of the Employment Relations Promulgation 2007 or under a ‘contract of service’ or a ‘self-employed person’ as defined under section 5 of the Health and Safety at Work Act 1996;

“authority” means a city council, town council or a rural authority;

“Board” means the National Employment Centre Board constituted under section 17 of this Decree;

“business” means an enterprise that deals with any form of manufacturing, processing, extraction, production, agriculture, horticulture, fishing, diving, agro-processing, aquaculture, eco-tourism, green technologies, eco-products, eco-services, creative arts, handicraft, carpentry and joinery services, repair services, building and construction services, marketing services, training or consultancy services, restaurant services, baking services, transport and conveyance services, cleaning services, hair dressing, tailoring services, massage services, recreational services, water sports services, rental services, wholesale and retail trade, service industries, cottage or home-based industries, export and other industrial or commercial activities. It includes any other business activities specified under the International Labour Organization Classification;

“business excellence” means the Fiji Business Excellence Awards Framework;

“child” means a person who is under the age of 15 years;

“condition of engagement” means the condition (privileges, responsibilities or rights) in which an unemployed person or volunteer is engaged by an employer or a person under an Employment Creation Service constituted under this Decree. A condition of engagement is not a ‘contract of service’ as defined under the Employment Relations Promulgation 2007 or under the Health and Safety at Work Act 1996. With the exception of the ‘part-time worker’, a person engaged under a condition of engagement is not a ‘worker’ as defined under section 4 of the Employment Relations Promulgation 2007;

“day” means—

- (a) a period of 24 hours beginning and ending at midnight and;
- (b) in the case of a shift worker, a continuous period of 24 hours beginning at the time when a worker commences work;

“Decree” means the National Employment Centre Decree and includes the regulations and codes;

- “disabled person” means an individual whose prospects of securing, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognised physical, sensory, intellectual or mental impairment;
- “disciplined forces” means the Republic of Fiji Military Forces, the Fiji Navy, the Fiji Police Force, the Prisons and Corrections Service and the National Fire Authority;
- “discrimination” means any distinction, exclusion or preference based on the grounds set out in Part 2 of this Decree;
- “employ” means to use the services of a person under a contract of service or contract for service;
- “employer” means a corporation, company, body of persons or individual by whom a worker is employed under a contract of service or contract for service and includes—
- (a) the Government;
 - (b) other Government entities;
 - (c) a local authority;
 - (d) a statutory authority;
 - (e) the agent or authorised representative of a local or foreign employer; or
 - (f) the self-employed;
- “employment” means the performance by a worker of a contract of service or contract for service;
- “employment agency” means any activity carried out by a natural or legal person in the Fiji Islands for the enlisting, registration, recruitment or deployment of persons for employment outside the Fiji Islands, but excludes any public employment exchanges or public authority;
- “employment contract” means a collective agreement or apprenticeship contract specified under this Decree or any other written law or an oral or written contract of service between a worker and an employer;
- “Employment Court” or “Court” means the Employment Relations Court constituted as a division of the High Court of Fiji under section 219 of the Employment Relations Promulgation 2007;
- “employment creation matters” means matters pertaining to both the creation of formal employment and the creation of employment in the informal sector and rural areas associated with the creation of small and micro enterprises or self-employment;
- “Employment Creation Services” means the Formal Employment Service, the Self-Employment Service, the Fiji Volunteer Service and the Foreign Employment Service constituted and gazetted under this Decree;
- “Employment Relations Advisory Board” means the Board constituted under Part 3 of the Employment Relations Promulgation 2007;
- “employment skills” means the acquisition of employment skills or competencies in a holistic manner, the specific characteristics of which are specified in the regulations.
- “Employment Taxation Scheme” means any Government taxation scheme that provides incentives for employers to train and recruit any unemployed;
- “Employment Tribunal” or “Tribunal” means the Employment Relations Tribunal constituted under section 202 of the Employment Relations Promulgation 2007;
- “enterprise” means any individual or business entity which trades in goods or services for profit through lawful means;
- “existing employment creation services” means the National Youth Service Scheme (NYSS), the National Centre for Small and Micro Enterprises Development (NCSMED), the Centre for Appropriate Technology and Development (CATD), the Integrated Human Resource Development Programme for Employment Promotion (IHRDPEP), the Foreign Employment Unit under the Ministry of Labour, the Walking Out of Poverty Projects under the Ministry of Social Welfare, the Agricultural Programmes under the Ministry of Agriculture and any other employment creation services hosted by a Government ministry or department;

- “family” means the spouse or any child of a worker;
- “Fiji Volunteer Service” means the Fiji Volunteer Service constituted under Part 10 of this Decree;
- “foreign contract of service” means a contract of service made within the Fiji Islands and to be performed wholly or partially outside the Fiji Islands and any contract of service with a foreign state;
- “Foreign Employment Service” means the Foreign Employment Service constituted under Part 11 of this Decree;
- “foreign employment services” include any activity carried out by the Foreign Employment Service for the enlisting, registration, recruitment, training, deployment or repatriation of persons for employment outside Fiji but exclude any private employment agency or mercenary activities;
- “formal employment” means any employment within the definition of ‘contract of service’ under section 4 of the Employment Relations Promulgation 2007 or under section 5 of the Health and Safety at Work Act 1996. It excludes self-employment or any contract for service;
- “Formal Employment Service” means the Formal Employment Service constituted under Part 8 of this Decree;
- “Fund” means the National Employment Centre Trust Fund established under Part 12 of this Decree;
- “green growth” refers to the policy focus emphasising environmentally sustainable economic progress to foster low-carbon and socially inclusive development;
- “green jobs” means decent jobs that contribute substantially to preserving or restoring environmental quality; help to protect and restore ecosystems and biodiversity; reduce energy, materials and water consumption through high-efficiency and avoidance strategies; decarbonise the economy; and minimise or altogether avoid generation of all forms of waste and pollution;
- “green productivity” means: a new paradigm of socioeconomic development aimed at the pursuit of economic and productivity growth while protecting the environment. It is a practical way to answer the challenges of sustainable development at the enterprise and organisation level;
- “harassment” occurs when an unwanted conduct related to a protected ground takes place with the purpose or effect of violating the dignity of a person; or creating an intimidating, hostile, degrading, humiliating or offensive environment;
- “indirect discrimination” means any apparently neutral situation, regulation or practice which in fact results in unequal treatment of persons with certain characteristics that occurs when the same condition, treatment or criterion is applied to everyone, but results in a disproportionately harsh impact on some persons on the grounds set out in section 9 of this Decree, and is not closely related to any inherent requirement of the job;
- “ISO” means the International Standards Organization. It includes the quality management standards specified under the ISO 9001 series and the social responsibility guidelines under the ISO 26000 series, as amended from time to time;
- “life skills” means the acquisition of life skills or competencies in a holistic manner, the specific characteristics of which are specified in the regulations;
- “Local Economic Development (LED) Programme” is an initiative taking place within a specific local territory or area that has a strategic focus on economic potentials and builds on competitive advantages of the territory through a participatory approach that is locally owned and managed. The “local” in LED refers to some kind of territorial boundary, but not restricted to administrative boundaries. The “economic” in LED refers to the focus on economic growth, employment generation and enterprise development. The “development” in LED involves a broad range of outcomes and a broad representation of local actors to reach these outcomes;
- “mercenary” means any person who is defined as a mercenary under the Employment Relations (Employment Agencies) Regulations 2008;
- “micro enterprise” means any enterprise which has a turnover or total assets not exceeding \$30,000 in Fijian currency and employs not more than 5 workers;

- “Minister” means the Minister responsible for employment matters;
- “Ministry” means the Ministry responsible for the administration of this Decree;
- “month” means a calendar month, or a period commencing on a date in a calendar month and expiring on the day preceding the corresponding date in the succeeding calendar month;
- “National Employment Centre” means the National Employment Centre established under Part 3 of this Decree. Depending on the context, it may also include the National Employment Centre Board, the National Employment Centre Secretariat and all the Employment Creation Services under the jurisdictions of the National Employment Centre constituted under this Decree;
- “National Employment Centre Secretariat” means the National Employment Centre Secretariat established under Part 5 of this Decree;
- “national qualification framework” means the national qualification framework administered by a body established under the Higher Education Commission;
- “officer” means an officer of the National Employment Centre Secretariat or any of the Employment Creation Services or a person designated by the Board to carry out certain duties under Part 6 of this Decree;
- “part-time worker” means a person who is employed under a contract of service on a part-time basis for a specified number of hours a day or specified number of hours or days a week;
- “Permanent Secretary” means the Permanent Secretary responsible for employment matters;
- “practicable” in relation to a hazard or risk, means practicable having regard to-
- (a) its severity;
 - (b) the state of knowledge about the hazard or risk and the ways of removing or mitigating it;
 - (c) the availability and suitability of ways to remove or mitigate it; and
 - (d) the cost of removing or mitigating it;
- “prospective worker” means any person who applies for an employment vacancy or is considered for an employment vacancy. It includes an attaché or a volunteer;
- “public authority” includes a ministry or a department of Government or a local authority or a commercial statutory authority or a government commercial company or a government company;
- “retiree” means any person who has been retired voluntarily or compulsorily by his or her employer, and is currently unemployed or a part-time worker or is not operating any business enterprise;
- “school leaver” means an unemployed person who is not under the age of 15 years and is not enrolled in any primary school, secondary school or tertiary institution on a full time basis and is under the age of 35 years;
- “self-employed” means a person who is self employed or starts or owns his or her own small or micro enterprise for gain or reward otherwise than under a ‘contract of service’ as defined under section 4 of the Employment Relations Promulgation 2007 and under section 5 of the Health and Safety at Work Act 1996;
- “self-employment” means any employment where a person or a group of persons operates a small or micro enterprise business including social enterprise or “Local Economic Development (LED) Programme”;
- “Self-Employment Service” means the Self-Employment Service constituted under Part 9 of this Decree. It includes the National Centre for Small and Micro Enterprises Development (NCSMED), the Centre for Appropriate Technology and Development (CATD), the Integrated Human Resource Development Programme for Employment Promotion (IHRDPEP) and other forms of small or micro enterprise business creation activities including social enterprises and Local Economic Development (LED) programmes;
- “sexual harassment” means when an attaché or volunteer is sexually harassed by any person during the period of his or her engagement with the National Employment Centre or any of the Employment Creation Services or at the workplace where he or she undertakes workplace training or attachment, or places where workers are gathered for work-related purposes including social activity, when the person or a

workplace employer—

- (a) makes a request of an attaché or volunteer for sexual intercourse, sexual contact or any other form of sexual activity which contains an implied or overt—
 - (i) promise of preferential treatment during that attaché or volunteer’s period of engagement;
 - (ii) threat of detrimental treatment to the attaché or volunteer’s condition of engagement; or
 - (iii) threat about the present or future engagement status or future employment status of that attaché or volunteer;
- (b) by the use of a word (whether written or spoken) of a sexual nature or materials of a sexual nature;
- (c) by physical behaviour or gestures of a sexual nature; or
- (d) creates an intimidating, hostile or humiliating work environment by conduct, word or both on the basis of gender,

that subjects the attaché or volunteer to behaviour which is unwelcome or offensive to that attaché or volunteer (whether or not that is conveyed to the employer, its representative or the perpetrator) and which is either repeated or of such a nature that it has a detrimental effect on the attaché or volunteer’s condition of engagement. In this context, detrimental effect includes the creation of an environment which affects an attaché or volunteer’s physical, emotional or mental health and well-being;

“ship” means a boat, vessel, hovercraft or craft of any kind;

“small enterprise” means any enterprise which has a turnover or total assets between \$30,000 and \$100,000 in Fijian currency and employs between 6 and 20 workers;

“social responsibility” means people and organisations behaving and conducting business ethically and with sensitivity towards social, cultural, economic and environmental issues. Striving for social responsibility helps individuals, organisations and governments have a positive impact on development, business and society;

“spouse” means a legally married wife or husband;

“trainee” means a person who enrolls under the National Employment Centre and undertakes life skills or employment skills or entrepreneurship skills training or workplace attachment or business attachment under the Formal Employment Service or the Self-Employment Service or the Fiji Volunteer Service or the Foreign Employment Service;

“Training and Productivity Authority of Fiji” means the Authority established under section 3 of the Training and Productivity Authority of Fiji Act;

“unemployed” means a person who—

- (i) is not under 15 years of age;
- (ii) is not self-employed or engaged in any ‘contract of service’ as defined under section 4 of the Employment Relations Promulgation 2007 or under section 5 of the Health and Safety at Work Act 1996;
- (iii) is not presently undergoing a course of education or training; and
- (iv) is a legal resident in the Fiji Islands;

“unemployed graduates” mean persons who are registered under the National Employment Centre and—

- (i) have successfully graduated with Certificates, Diplomas, Degrees or Post-Graduate qualifications;
- (ii) are not under 15 years of age; and
- (iii) are not self-employed or engaged in ‘contracts of service’ as defined under section 4 of the Employment Relations Promulgation 2007 or under section 5 of the Health and Safety at Work Act 1996;

“unemployed persons” mean persons who are ‘unemployed’ and are registered under the National Employment

Centre. They include the school leavers, unemployed graduates, unemployed apprentices, attachés, volunteers, retirees and part-time workers;

“volunteer” means a person who is registered under the National Employment Centre and enrolled as a volunteer with the Fiji Volunteer Service. A person who is engaged as a volunteer under the Fiji Volunteer Service is considered as an individual whose terms and conditions of engagement do not constitute a ‘contract of service’ as defined under section 4 of the Employment Relations Promulgation 2007 or under section 5 of the Health and Safety at Work Act 1996;

“week” means a period of 7 consecutive days;

“worker” means a person who is employed under a ‘contract of service’, and includes an apprentice, domestic worker, part-time worker or casual worker. It excludes an attaché or volunteer or trainee;

“workplace” means any place, whether or not in a building or structure, including a ship, vehicle or aircraft, where workers are required to perform their ‘contracts of service’;

“written contract” means a ‘contract of service’ which, under this Decree, is required to be made in writing; and

“year” includes a period commencing on a date in a calendar year and expiring on the day preceding the corresponding date in the following calendar year.

(2) A reference in this Decree to—

(a) a function includes a reference to a power, authority and duty; and

(b) the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

Non-derogation

6. The provisions of this Decree are in addition to and do not derogate from the provisions of any other law.

PART 2—FUNDAMENTAL PRINCIPLES AND RIGHTS

Object of this Part

7. The object of this Part is to state the entitlement to fair human rights practices as applied to all unemployed persons, attachés or volunteers participating under the National Employment Centre or any of the Employment Creation Services.

Fundamental principles and rights

8.—(1) No person shall be required to perform forced labour.

(2) No person shall discriminate against any unemployed person, attaché, volunteer or prospective worker on any of the prohibited grounds.

Prohibited grounds of discrimination

9.—(1) For the purposes of this Part, the prohibited grounds for discrimination whether direct or indirect are actual or supposed personal characteristics or circumstances, including: ethnic origin, religion or belief, colour, place of origin, gender, sexual orientation, birth, primary language, economic status, age, disability, HIV/AIDS status, social class, marital status (including living in a relationship in the nature of a marriage), family status, opinion or former criminal conviction, except to the extent that those opinions or beliefs involve harm to others or the diminution of the rights or freedoms of others.

(2) Every employer shall pay volunteers or attachés equal allowances for work of equal value.

Exceptions for purposes of religion

10.—(1) Section 9 does not prevent different treatment based on gender where the attachment or volunteer assignment is for the purposes of an organised religion and is limited to one gender so as to comply with the doctrines or rules or established customs of the religion.

(2) Section 9 does not prevent different treatment based on religious or ethical belief where the sole or principal duties of the attachment or volunteer assignment—

(a) are the same or substantially the same as those of a clergyman, priest, pastor, official or teacher among adherents of that belief or otherwise involve the propagation of that belief; or

- (b) consist of acting as a social worker on behalf of an organisation whose members comprise solely or principally adherents of that belief.

(3) With the exception of the observance of the weekly Sabbath day rest, if a religious or ethical belief requires its adherents to follow a particular practice, an employer must accommodate the practice so long as adjustments of the employer's activities required to accommodate the practice does not unreasonably disrupt the employer's activities.

Exceptions in relation to disability

11.—(1) Section 9 does not prevent different treatment based on physical disability if—

- (a) the attachment or volunteer assignment is such that the person could perform the duties of the position satisfactorily only with the aid of special services or facilities and it is not practicable to expect the employer to provide those services or facilities; or
- (b) the environment in which the duties of the position are to be performed or the nature of those duties, or of some of them, is such that the person could perform those duties only with a risk of infecting others with an illness, and it is not reasonable to take that risk.

(2) Subsection (1)(b) does not apply if the employer could take reasonable measures to reduce the risk to a normal level without unreasonable disruption.

(3) Section 9 does not apply to terms of employment or conditions of work that are set or varied after taking into account—

- (a) any special limitation that the disability of a person imposes on that person's capacity to carry out the work; and
- (b) any special service or facility that is provided to enable or facilitate the carrying out of the work.

Sexual harassment or harassment

12.—(1) An employer is liable under this section, together with a worker or other person who sexually harasses or harasses an attaché or volunteer or unemployed person if the employer fails to take the reasonable steps necessary to prevent the sexual harassment or harassment of the employer's attaché or volunteer or unemployed person.

(2) Where a complaint of sexual harassment or harassment has been made by an attaché or volunteer or unemployed person under this section, the previous sexual experience or reputation of the attaché or volunteer or unemployed person must not be taken into account by the employer or the Employment Court or the Employment Tribunal.

Redress for discrimination, sexual harassment or harassment

13.—(1) An attaché or volunteer or unemployed person complaining of discrimination, sexual harassment or harassment may take his or her case to the Employment Tribunal or the Fiji Human Rights Commission for resolution within six (6) months from the time a complaint has been lodged with an employer, worker or perpetrator.

(2) To facilitate the resolution under subsection (1), the complainant or the employer may use the services of the Ministry.

(3) Provided that there is no resolution under subsection (2), an attaché or volunteer or unemployed person who is aggrieved by a complaint of discrimination or sexual harassment or harassment must elect whether he or she proceeds to the Employment Tribunal or the Fiji Human Rights Commission, but not both.

PART 3—NATIONAL EMPLOYMENT CENTRE

Object of this Part

14. The object of this Part is for the Government, through the Ministry, to establish and sustain a National Employment Centre to provide quality 'one-stop' employment creation service offices throughout the Fiji Islands and to facilitate, coordinate and monitor national employment creation policies implemented by the Employment Creation Services in both the formal and informal sectors.

National Employment Centre

15.—(1) The Ministry shall establish and sustain a National Employment Centre to be responsible for providing quality 'one-stop' employment creation services to all unemployed persons throughout the Fiji Islands.

(2) The National Employment Centre shall also facilitate, coordinate and monitor the national employment

creation policies implemented by the Employment Creation Services.

(3) The National Employment Centre shall also facilitate, coordinate and monitor the provisions of quality counselling services, life skills training, employment skills training and entrepreneurship skills training to promote decent and environmentally sound employment, creation of small businesses and volunteer service to boost productivity amongst unemployed persons.

(4) The National Employment Centre shall be headed by the National Employment Centre Board established under this Decree.

(5) The National Employment Centre shall be managed by the National Employment Centre Secretariat established under this Decree.

(6) The National Employment Centre Secretariat shall be directly responsible to the Board for the efficient and effective management and daily operation of all the National Employment Centre offices throughout Fiji.

(7) The Minister shall, by notice in the *Gazette*, establish the National Employment Centre, its composite bodies and jurisdictions, including its commencement date.

PART 4—NATIONAL EMPLOYMENT CENTRE BOARD

Object of this Part

16. The object of this Part is to establish the National Employment Centre Board to be responsible to the Minister for the implementation of national policies pertaining to employment creation matters in both the formal and informal sectors through the National Employment Centre Secretariat and the Employment Creation Services.

National Employment Centre Board

17.—(1) This section establishes the National Employment Centre Board consisting of the following members—

- (a) Permanent Secretaries responsible for Finance, National Planning, Public Service Commission, Education, Social Welfare, Business and Commerce and Agriculture and Lands;
- (b) General Manager Native Land Trust Board;
- (c) four Divisional Commissioners;
- (d) representatives of youths;
- (e) representatives of employers;
- (f) representatives of workers;
- (g) representatives of vocational training institutions;
- (h) representatives of civil society organisations; and
- (i) other persons.

(2) The Minister appoints the members of the Board, and in appointing such members the Minister must appoint such persons who, in the opinion of the Minister, have experience and expertise in the areas covered by the functions of the Board or in employment creation, small and micro enterprises, vocational training, entrepreneurship, youth development, industrial, commercial, legal, business or administrative matters.

(3) In making appointments to the Board, the Minister may take into account the principles of equality set out in Section 9(1) of this Decree, necessary for the effective operation of the Board.

(4) The Minister must invite bodies representing employers, workers and other relevant organisations such as vocational training institutions, civil society organisations, women and youth organisations to make nominations and shall appoint such nominees as members under subsections 1(d), (1) (e), (1) (f) 1(g), 1(h) and 1(i).

(5) The Permanent Secretary is the chairperson of the Board.

(6) The Permanent Secretary must appoint a secretary to the Board.

(7) The Board may regulate its own procedures and must keep proper records of its proceedings.

Functions and powers of the Board

18.—(1) The functions and powers of the Board are—

- (a) to establish the overarching National Employment Centre's strategic plan and corporate plan vision, mission, values, targets and strategies, rationalising and integrating the strategic plans and corporate plans of the Formal Employment Service, the Self-Employment Service, the Fiji Volunteer Service and the Foreign Employment Service;
- (b) to ensure the achievements of the Centre's overarching strategic plan and corporate plan targets every year, compatible with national unemployment needs and Government's commitments to the Peoples Charter for Change, Peace and Progress;
- (c) to ensure an efficient and effective National Employment Centre established under the Ministry by this Decree;
- (d) to ensure an efficient and effective National Employment Centre Secretariat established under this Decree;
- (e) to ensure the efficient and effective consolidation of all existing employment creation services within or under the jurisdictions of Government ministries and departments under the National Employment Centre Secretariat umbrella, operating under the Ministry's jurisdiction;
- (f) to ensure the efficient and effective operations of all the Employment Creation Services established under this Decree;
- (g) to ensure the efficient and effective implementation of employment creation policies of Government through the various Employment Creation Services by way of effective facilitation, coordination and monitoring roles;
- (h) to ensure efficient and effective strategic partnerships with vocational training and other training institutions, including the disciplined forces to realise quality competency-based skills training for all attachés, volunteers and unemployed persons;
- (i) to ensure an efficient and effective national registration system for all the unemployed throughout the Fiji Islands;
- (j) to ensure the provision of quality and professional counselling services to all unemployed persons;
- (k) to ensure the establishment and sustainability of the Fiji Volunteer Service and the Foreign Employment Service through the National Employment Centre Secretariat;
- (l) to search and find innovative ways or secure partnerships to significantly create and boost employment opportunities for the unemployed, such as the adoption of progressive information and communication technologies in training and development;
- (m) to boost entrepreneurship skills training and the creation of small businesses locally through the provision of seed funding and technical support services;
- (n) to effectively promote, facilitate and boost local and overseas employment opportunities through progressive media marketing and other effective strategies;
- (o) to effectively promote, facilitate and boost participation in the Fiji Volunteer Service for services locally, regionally and internationally;
- (p) to effectively promote and facilitate quality skills training and re-training or up-skilling of unemployed persons and workers;
- (q) to ensure the timely collation and analysis of labour market 'supply and demand' information and data relating to employment and unemployment to facilitate the effective delivery of the National Employment Centre and Employment Creation Services' core businesses;
- (r) to provide and maintain an efficient and current national human resources database system on employment and unemployment to ensure quality policy advice to the Minister and also to facilitate the Government's human resources planning, including the allocation of scholarships;
- (s) to periodically advise the Minister on the performances of all the Employment Creation Services in terms of employment creation growth;

- (t) to assume and rationalise the employment creation responsibilities of existing boards or bodies established by any of the Employment Creation Services operating within the jurisdiction of any Government ministry or department for the purposes of organisation reform under this Decree;
- (u) to decide on the allocation and distribution of human resources, operating and capital budgets and assets amongst the Employment Creation Services and the National Employment Centre Secretariat in accordance with the Government policy to establish the National Employment Centre and associated restructuring reform;
- (v) to decide, in consultation with the Minister, on the employment creation core businesses of the Employment Creation Services during the establishment or designation of the Formal Employment Service, the Self-Employment Service, the Fiji Volunteer Service or the Foreign Employment Service;
- (w) to decide, based on the determination of employment creation core businesses under subsection (1)(v), the rationalisation of organisation structures and positions in these Services, their numbers, grades, salary levels, contractual terms and conditions of employment and performance management systems to be adopted that are compatible with the market demands of the various employment and business markets to ensure that these Services are market-driven, cost-efficient and cost-effective;
- (x) to inquire into and report to the Minister on matters relating to employment creation referred to it by the Minister;
- (y) to provide the Minister with bi-annual reports on the progress in implementing the employment creation policies of Government under this Decree; and
- (z) to advise the Minister on any other employment creation matter as well as matters provided for by this Decree and any other written law;

(2) The Board may invite any person it considers appropriate to act in an advisory capacity to the Board in its deliberations.

(3) The Board may appoint an advisory committee comprising wholly or partly of persons who are not members of the Board to advise the Board on any employment creation or entrepreneurship related matter.

(4) The Board has powers necessary to carry out its functions as conferred on it by this Decree or any other written law.

(5) To facilitate the implementation of the Board's functions under subsection (1), each Employment Creation Service must establish its own working committee. The committee is to be chaired by the Chief Executive Officer or manager of the Employment Creation Service.

(6) The Chief Executive Officer or manager of an Employment Creation Service shall be directly responsible to the Board for the corporate management and leadership of the Employment Creation Service through the National Employment Centre Secretariat.

Allowances

19. A member of the Board or an advisory committee or any person appointed under sections 17 and 18 is entitled to allowances to be fixed by the Minister.

Term of office, leave, resignation and dismissal of members

20.—(1) Subject to this Part, a member of the Board holds office for a period not exceeding 2 years as specified in the instrument of the member's appointment, but is eligible for re-appointment.

(2) A member may resign from the Board in writing signed by the member of the Board, which takes effect upon delivery to the Minister.

(3) A member's office becomes vacant if the member fails to attend two consecutive meetings of the Board without the prior approval of the chairperson.

(4) The Minister may terminate the appointment of a member for misbehaviour, bankruptcy or for other good reasons.

Meetings of the Board

21.—(1) The chairperson must call at least one meeting of the Board every 6 months for the performance of

its functions and the exercise of its powers.

- (2) At a meeting of the Board—
- (a) the chairperson and at least half of number of other members constitute a quorum; and
 - (b) questions arising must be determined by a majority vote of the members present and voting, and in the event of an equality of votes, the chairperson has a casting vote.

Annual report of the Board

22.—(1) The Board must prepare and submit to the Minister a report of its operations annually.

- (2) A summary of the Board's annual report must be included in the Ministry's annual report.

PART 5—NATIONAL EMPLOYMENT CENTRE SECRETARIAT

Object of this Part

23. The object of this Part is to establish the National Employment Centre Secretariat under the jurisdiction of the Ministry to be responsible to the Board for the facilitation, coordination and monitoring of national policies pertaining to employment creation matters implemented by the Employment Creation Services to boost employment opportunities and productivity.

National Employment Centre Secretariat

24.—(1) The Minister shall, by notice in the *Gazette*, establish the National Employment Centre Secretariat.

(2) The National Employment Centre Secretariat shall be responsible to the Board for the overall consolidation, coordination, facilitation and monitoring of the employment creation policies of Government implemented by the Formal Employment Service, the Self-Employment Service, the Fiji Volunteer Service and the Foreign Employment Service established or designated under this Decree.

Appointment of officers

25.—(1) All chief executive officers, managers and officers to be employed under the National Employment Centre Secretariat, the Formal Employment Service, the Self-Employment Service, the Fiji Volunteer Service and the Foreign Employment Service shall be appointed by the Minister on a performance-based contracts.

(2) The Minister shall appoint an appropriate number of officers, on performance-based contracts, to effectively manage and operate the National Employment Centre offices throughout the Fiji Islands and its Secretariat.

Compliance with quality management and governance systems

26.—(1) The operating systems and procedures of the National Employment Centre must comply with and be certified to the ISO 9001 quality management standards.

(2) Subject to subsection (1), the National Employment Centre Secretariat must design, develop and implement a quality competency-based skills training package for its staff to ensure that they are competent to manage the ISO certified systems and processes to the required customer service quality standards.

(3) The governance system of the National Employment Centre must comply with the Fiji business excellence standards and the social responsibility guidelines specified under the ISO 26000 standards.

(4) The National Employment Centre Secretariat must design, develop and implement a value-based skills training package for its entire staff to ensure that they internalise the Fiji business excellence and social responsibility values and exhibit social responsibility behaviours in accordance with the spirit of the business excellence and ISO 26000 standards.

Other function and duties of the Secretariat

27. The function of the National Employment Centre Secretariat is to provide quality services to the National Employment Centre Board in order for the Board to professionally deliver its functions under Part 4 of this Decree, in addition to other duties required to be undertaken by the Secretariat under this Decree or delegated by the Board.

Integrated performance report

28.—(1) The National Employment Centre Secretariat must, in a timely manner, forward to the chairperson of the Board and the Minister a copy of the integrated performance report of the Formal Employment Service, the Self-Employment Service, the Fiji Volunteer Service and the Foreign Employment Service on a quarterly, bi-annual and annual basis.

(2) The integrated performance report must clearly state the key performance indicators committed in the respective annual corporate plans and the targets achieved in terms of outputs and outcomes against these indicators with relevant analysis and qualified comments from the Employment Creation Services.

Integrated annual report

29. The National Employment Centre Secretariat must, in a timely manner, forward a copy of the integrated annual report of all the Employment Creation Services to the chairperson of the Board and the Minister, including the host Ministers of the respective services.

Analysis of performance and way forward

30.—(1) The integrated performance reports and annual reports must be discussed and thoroughly analysed by the Board relative to the Government's vision to achieve full employment and boost productivity for all its citizens. The analysis must also capitalise on the dynamics and demands of the employment and business markets at the local, regional and global levels.

(2) The Board must use the findings and conclusions emanating from the discussions and analysis in subsection (1) to dynamically position the core business activities, mission and annual targets of all the Employment Creation Services and allocate their budgets and resources accordingly for the ensuing year.

(3) The critical review exercise required under this section must be undertaken at least once in every six (6) months by the Board to ensure that all the Employment Creation Services are meeting the targets, and they are managed ethically and in a cost-efficient and cost-effective manner.

PART 6—DESIGNATIONS, POWERS AND DUTIES OF OFFICERS

Object of this Part

31. The object of this Part is to establish the personnel necessary for implementing the administrative aspects of this Decree.

Administration of this Decree

32.—(1) The Board is responsible for the administration of this Decree on behalf of the Minister.

(2) The Board must provide a certificate of designation to an officer appointed for the purposes of this Decree.

(3) When exercising any function under this Decree, an officer designated under subsection (2) must, if required by a person affected by the exercise of such function, produce the certificate of identity to that person.

Delegation by the Board

33. The Board may delegate in writing to an officer the exercise of any power and the performance of any duty in relation to a matter or thing provided for by this Decree.

Board may call for information

34.—(1) A designated officer of the Board may, in writing, require an employer or an Employment Creation Service to provide prescribed information necessary for the effective administration of this Decree.

(2) An employer or person who contravenes this section commits an offence.

Institution of proceedings

35. A designated officer of the Board may—

(a) subject to any direction by the Director of Public Prosecutions, institute proceedings in the Employment Tribunal or Employment Court in respect of prescribed offences, and may prosecute such proceedings; or

(b) appear in the Employment Tribunal or Employment Court on behalf of an unemployed person or attaché or volunteer, or institute civil proceedings on behalf of an unemployed person or attaché or volunteer against an employer or a person in respect of a matter or thing or cause of action arising out of or in the course of the recruitment or attachment of the unemployed person or attaché or volunteer.

Powers and functions of officers

36.—(1) A designated officer of the Board may at all reasonable times—

(a) enter, inspect and examine a workplace where or about which an unemployed person or attaché or volunteer is attached or where there is reason to believe that an unemployed person or attaché or volunteer is attached;

- (b) require an employer to produce any unemployed person or attaché or volunteer attached by the employer and any document or record which the employer is required to keep under this Decree or any other document or record relating to the attachment of the unemployed person or attaché or volunteer;
- (c) interview the employer or a person on a matter connected with attachment of unemployed persons or attachés or volunteers under this Decree, and may seek information from any other person whose evidence is considered to be necessary; or
- (d) inquire from an employer or a person acting on the employer's behalf regarding matters connected with carrying out the functions of the Board under this Decree.

(2) A designated officer of the Board—

- (a) must not enter a private dwelling house without the consent of the occupier; or
- (b) on the occasion of a visit or inspection, must notify the employer or the employer's representatives of his or her presence, unless there are reasonable grounds for believing that such notification may be prejudicial to the performance of his or her duties.

(3) In the exercise of powers and functions under this Decree for the purpose of ensuring compliance with a provision of this Decree, a designated officer of the Board may copy or make extracts from a document or records in the possession of an employer which relate to an unemployed person or an attaché or a volunteer under attachment.

(4) In the exercise of powers and functions under this Decree for the purpose of ensuring compliance with a provision of this Decree, a designated officer of the Board may issue a demand notice or fixed penalty notice as prescribed.

(5) A designated officer of the Board may—

- (a) advise and assist employers and unemployed persons or attachés or volunteers on particular or general employment relations matters under this Decree;
- (b) provide information, advice, awareness or training to employers and unemployed persons or attachés or volunteers or their organisations on matters under this Decree; or
- (c) formulate enterprise or national policies, codes, strategies and action plans on employment creation matters.

Interests and confidentiality

37.—(1) A designated officer of the Board—

- (a) must declare any direct or indirect interest in a workplace under his or her supervision;
- (b) must not make use of or reveal, including after leaving Government service, any manufacturing or commercial secrets, working processes or confidential information which may come to his or her knowledge in the course of his or her duties; or
- (c) must treat as confidential the source of a complaint bringing to his or her notice a defect or breach of legal provisions relating to conditions of work and the protection of unemployed persons, attachés and volunteers, while engaged at work, and must give no intimation to the employer or the employer's representative whether a visit or inspection was made in consequence of the receipt of a complaint from within the organisation or workplace.

(2) A person who contravenes subsection (1) commits an offence.

PART 7—CONDITIONS OF ENGAGEMENT OF THE NATIONAL EMPLOYMENT CENTRE

Object of this Part

38. The object of this Part is to describe the conditions of engagement of the National Employment Centre in regards to compulsory registration, privileges and rights of unemployed persons, attachés and volunteers enrolled in the activities of any of the Employment Creation Services and how they are conducted, including the employers' social responsibilities.

Compulsory registration of the unemployed

39.—(1) Any person who is unemployed or on part-time employment and at least 15 years of age must register

with the National Employment Centre as prescribed.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$500.

(3) An unemployed person whose employment status changes must inform the National Employment Centre of that change within seven days of the change.

(4) The National Employment Centre or any of the Employment Creation Services must allow an unemployed person the right to disengage from his or her conditions of engagement under this Decree when he or she finds any form of employment.

Engagement without compulsory registration

40. An employer or person may engage an unemployed as a trainee or under an oral or written contract before the unemployed is registered with the National Employment Centre.

Conditions of engagement to be in accordance with this Decree

41.—(1) No person or enterprise may engage an unemployed person or volunteer under a condition of engagement except in accordance with this Decree or as prescribed.

(2) A person who contravenes subsection (1) commits an offence.

(3) Nothing in this Decree prevents the application by agreement between the parties of conditions of engagement, which are more favourable to the person being engaged than those contained in this Decree.

Conditions of engagement and allowances

42.—(1) Any condition of engagement must be made in writing as prescribed.

(2) The relevant Employment Creation Service must provide 50% of the weekly allowance of an unemployed person in accordance with the prescribed quantum of weekly allowance.

(3) An employer participating under any of the Employment Creation Services is required to contribute 50% to the prescribed weekly allowance of an unemployed person undertaking on-the-job training at the employer's workplace.

(4) There shall not be any discrimination in the payment of weekly allowances with regards to race, gender or disability for work of equal value.

(5) An employer or person who contravenes subsection (4) commits an offence.

Minimum age for employment or engagement

43. The age of 15 years is the minimum age for employment of children or for registration with the National Employment Centre or engagement under any of the Employment Creation Services under this Decree.

Employer's social responsibility to promote employment

44. An employer who employs more than 50 workers must engage suitably qualified unemployed persons as attachés or volunteers on a ratio of at least 5% of the total number of workers employed by the employer.

Code of Ethics

45. The Permanent Secretary shall, in consultation with stakeholders, develop a Code of Ethics on standards to guide all persons appointed to the Board, the National Employment Centre Secretariat, the Formal Employment Service, the Self-Employment Service, the Fiji Volunteer Service and the Foreign Employment Service in performing their duties, functions and powers under this Decree.

Counselling and referral services

46.—(1) The National Employment Centre Secretariat shall facilitate the provision of quality counselling services to all unemployed persons registered with the National Employment Centre.

(2) The counselling services under subsection (1) shall be delivered at the highest level of professional standards (and with confidentiality where relevant) to promote the spiritual, mental and psychological, social, physical and economic well-being of the unemployed person.

(3) The National Employment Centre Secretariat shall provide quality human resource and aptitude assessments and referral services for unemployed persons.

Strategic partnerships with training institutions and agencies

47.—(1) The National Employment Centre shall secure strategic partnerships with vocational training or other

training institutions or training consultants for the purposes of reviewing current offerings for life skills training, employment skills, entrepreneurship skills and foreign employment training and delivering modern and progressive life skills and employment skills training packages to the Employment Creation Services at competitive costs on user-pay basis.

(2) The contents of skills training include good faith values, peace-building conflict resolution culture, innovation and creativity, productivity culture, financial literacy, thrift budgeting and savings, cross-culture sensitisations, religions, racial and gender harmony, prevention of HIV/AIDS and drugs, environment and sustainable development.

Strategic partnerships with the Fiji Disciplined Forces

48. The National Employment Centre shall secure strategic partnership with the disciplined forces to deliver relevant life skills training offerings to the Employment Creation Services.

Strategic partnerships with reputable international agencies

49. The National Employment Centre shall secure strategic partnerships with appropriate international training institutions and development agencies for the purposes of acquiring experts and training consultants to build the capacity and capability of the National Employment Centre and the Employment Creation Services.

Incentives for employment creation

50. The National Employment Centre shall periodically review, formulate and develop effective employment creation and small business creation incentives for submission to the Minister for consideration and adoption.

Data management and use

51.—(1) The National Employment Centre shall establish and maintain an efficient data management system on the labour market including the registration of unemployed persons and the supply and demand of labour in the labour market.

(2) The National Employment Centre shall encourage professional research and development culture through the collation and analysis of labour market information and data for dissemination to relevant agencies and the general public through its periodical newsletter, publications and professional journals.

(3) In facilitating the objective in subsection (2), the National Employment Centre may enter into strategic partnerships with local, regional and international agencies for better dissemination and marketing of its information, data and services.

Promotion of maximum utilisation of land to boost productivity

52.—(1) The National Employment Centre shall establish strategic partnerships with the Native Land Trust Board, the Ministry of Lands, the Ministry of Agriculture and the Ministry of Indigenous Affairs with the aim to secure effective arrangements for the maximum utilisation of native land, state land and freehold land for small business creation to produce more agriculture, marine and forestry products to boost productivity in the domestic and export markets.

(2) To promote its vision in subsection (1), the National Employment Centre shall actively participate in reviewing, monitoring, formulation and implementation of the National Export Strategy.

Promotion of financial literacy and small and micro-finance facilities

53.—(1) The National Employment Centre shall promote awareness on financial literacy and productivity improvement for sustainable enterprises.

(2) The National Employment Centre shall also secure micro-finance facilities for small businesses and self-employment, including micro-credit and micro-savings to sustain enterprises.

Public awareness campaign

54. The National Employment Centre shall provide quality advice, media marketing, annual expo shows and awareness programmes and training to employers and the general public on the development role of the National Employment Centre, including the legal requirements and incentives associated with enrolment of unemployed persons at the Centre and workplace attachments with the Employment Creation Services.

PART 8—FORMAL EMPLOYMENT SERVICE

Object of this Part

55. The object of this part is to establish the Formal Employment Service under the jurisdiction of the

National Employment Centre as one of the Employment Creation Services under this Decree. The goal of the Formal Employment Service is to provide quality human resource development service to unemployed persons to facilitate their absorption into the formal employment market and boost productivity, including green productivity.

Establishment and designation of Formal Employment Service

56.—(1) The Minister shall establish a Formal Employment Service under the jurisdiction of the National Employment Centre for the purposes of providing quality counselling, life skills training, employment skills training and workplace attachment services for unemployed persons to boost their employability in the formal employment market.

(2) The Minister shall, by notice in the *Gazette*, designate and establish the National Youth Service Scheme (NYSS) operating under or hosted by the Department of Youth and Sports to be the Formal Employment Service.

(3) The management and operation of the Formal Employment Service designated and established by the Minister under this section shall be as prescribed.

Life skills training

57.—(1) A Formal Employment Service designated and established under section 56 must provide a quality life skills training course compatible with the needs of unemployed persons, and recognised under the national qualification framework.

(2) A life skills training course provided under subsection (1) must be designed and conducted as prescribed, with the aim of promoting the holistic development of unemployed persons enabling them to become disciplined and productive workers.

(3) A trainer conducting any part or the whole of the life skills training course must be an accredited trainer.

Employment skills training

58.—(1) A Formal Employment Service designated and established under section 56 must provide quality employment skills training course compatible with the needs of unemployed persons, and recognised under the national qualification framework.

(2) An employment skills training course provided under subsection (1) must be designed and conducted as prescribed, with the aim of developing generic and specific employment knowledge and skills that are relevant to the demand of the employment market to facilitate the absorption of unemployed persons into formal employment.

(3) A trainer conducting any part or the whole of the employment skills training course must be an accredited trainer.

Workplace attachment

59.—(1) A Formal Employment Service designated and established under section 56 must arrange with employers or employers' organisations to provide quality workplace attachments for unemployed persons enrolled under the Service.

(2) The Formal Employment Service must provide quality advice and awareness programmes to employers and the general public on the development role of the Service, including the legal requirements and incentives associated with workplace attachments.

(3) The Formal Employment Service must closely liaise with employers and employers' organisations, and provide effective supervision of all workplace attachments throughout the Fiji Islands to ensure quality management and outcomes of the scheme for both the attachés and employers.

(4) An employer providing a workplace attachment under subsection (1) must prepare and deliver quality on-the-job training programme to the attaché as prescribed, which is compatible to the needs of the employment market of the employer.

(5) As part of the on-the-job training programme under subsection (4), the employer must also provide quality orientation with clear objectives of the programme and expected outputs and outcomes to be achieved by the attaché at the end of the programme.

(6) At the end of the workplace attachment, the employer must provide to the participant a Certificate of Workplace Attachment under the employer's letterhead, highlighting the participant's attachment details as prescribed. A copy of the Certificate of Workplace Attachment must also be sent to the National Employment Centre Secretariat.

(7) At the end of the workplace attachment period, the employer is encouraged to recruit the participant as a full-time worker or a part-time worker or a trainee or to be placed as a reserve in the employer's database for any future employment.

(8) Any recruitment by an employer under subsection (7) must comply with the fundamental principles and rights at work and the equal employment opportunity principles under Parts 2 and 9 respectively of the Employment Relations Promulgation 2007.

(9) To facilitate the process under subsection (7), the Formal Employment Service is required to provide quality job placement services to meet the needs of both the employers and prospective workers.

Employment taxation scheme

60.—(1) An employer who, in accordance with section 59—

- (a) participated in the workplace attachment programme;
- (b) successfully recruited a volunteer or an attaché at the end of the workplace attachment period; and
- (c) is verified by the Formal Employment Service,

is eligible for the incentives under the Employment Taxation Scheme.

(2) To facilitate the process in subsection (1), the employer and the Formal Employment Service must use the prescribed form for transmission to the Chief Executive Officer of the Fiji Islands Revenue and Customs Authority.

Strategic plan and annual corporate plan

61. The Formal Employment Service must, in a timely manner, prepare and finalise the strategic plan and annual corporate plan of the Service after consultations with its working committee, relevant stakeholders, staff of the Service, Secretariat and Board of the National Employment Centre before the plans are endorsed by the Board and approved by the Minister.

Compliance with quality management and governance systems

62.—(1) The operating systems and procedures of the Formal Employment Service must comply with and be certified to the ISO 9001 quality management standards.

(2) Subject to subsection (1), the Formal Employment Service must design, develop and implement a quality competency-based skills training package for its entire staff to ensure that they are competent to manage the ISO certified systems and processes to the required customer service quality standards.

(3) The governance system of the Formal Employment Service must also comply with the Fiji business excellence criteria and the social responsibility guidelines specified under the ISO 26000 standards.

(4) The Formal Employment Service must design, develop and implement a value-based skills training package for its entire staff to ensure that they internalise the Fiji business excellence and social responsibility values and exhibit social responsibility behaviours in accordance with the spirit of the business excellence and ISO 26000 standards.

Performance reports

63.—(1) The Formal Employment Service must, in a timely manner, finalise and forward to the National Employment Centre Secretariat, the chairperson of the National Employment Centre Board and the Minister a copy of the performance report of the Formal Employment Service on a quarterly, bi-annual and annual basis.

(2) The performance reports must clearly state the key performance indicators committed in the annual corporate plan and the targets achieved in terms of outputs and outcomes against these indicators with relevant analysis and qualified comments.

Annual report

64.—(1) The Formal Employment Service must, in a timely manner, forward a copy of the annual report of the Service to the National Employment Centre Secretariat, the chairperson of the National Employment Centre Board and the Minister, including the host Minister of the Service.

(2) The annual report of the Formal Employment Service must be integrated into the annual report of the National Employment Centre which includes the annual reports of the other Employment Creation Services.

PART 9—SELF-EMPLOYMENT SERVICE

Object of this Part

65. The object of this Part is to establish the Self-Employment Service under the jurisdiction of the National Employment Centre as one of the Employment Creation Services under this Decree. The goal of the Self-Employment Service is to provide quality human resource development service to unemployed persons and retirees to help them start and sustain their own small or micro enterprises, local economic development (LED) programmes or social enterprises as empowered entrepreneurs to boost employment creation and productivity, including green productivity and green jobs.

Establishment and designation of Self-Employment Service

66.—(1) The Minister shall establish one or more Self-Employment Services under the jurisdiction of the National Employment Centre for the purpose of providing quality business skills training and advice for unemployed persons and retirees to facilitate their active participation in the formal, informal, urban and rural employment markets through the creation and sustaining of their own small or micro enterprises or other forms of self-employment.

(2) The Minister shall, by notice in the *Gazette*, designate and establish the Integrated Human Resource Development Programme for Employment Promotion (IHRDPEP) operating under or hosted by the Ministry of National Planning, the Centre for Appropriate Technology and Development (CATD) operating under or hosted by the Ministry of Indigenous Affairs, the National Centre for Small and Micro Enterprises Development (NCSMED) operating under or hosted by the Ministry of Industry and any other employment creation service to be Self-Employment Services.

(3) The management and operation of the Self-Employment Services designated and established by the Minister under this section shall be as prescribed.

Life skills training

67.—(1) A Self-Employment Service designated and established under section 66 must provide a quality life skills training course compatible with the needs of unemployed persons and retirees, and recognised under the national qualification framework.

(2) A life skills training course provided under subsection (1) must be designed and conducted as prescribed, with the aim of promoting the holistic development of unemployed persons and retirees enabling them to become disciplined and productive workers and entrepreneurs.

(3) A trainer conducting any part or the whole of the life skills training course must be an accredited trainer.

Entrepreneurship skills training

68.—(1) A Self-Employment Service designated and established under section 66 must provide quality entrepreneurship skills training course compatible with the needs of unemployed persons and retirees, and recognised under the national qualification framework.

(2) An entrepreneurship skills training course provided under subsection (1) must be designed and conducted as prescribed, with the aim of developing generic or specific business knowledge and skills that are relevant to the business needs of small and micro enterprises, local economic development (LED) programmes or social enterprises to facilitate the successful participation of unemployed persons and retirees in self-employment as successful entrepreneurs.

(3) A trainer conducting any part or the whole of the entrepreneurship skills training course must be an accredited trainer.

Business attachment

69.—(1) A Self-Employment Service designated and established under section 66 must arrange with employers' organisations or small business employers to provide quality business attachments or business incubator services for unemployed persons and retirees enrolled under the Service.

(2) The Self-Employment Service must provide quality advice and awareness programmes to employers, entrepreneurs and the general public on the development role of the service including the legal requirements and incentives associated with business attachments or business incubator services.

(3) The Self-Employment Service must closely liaise with employers' and entrepreneurs' organisations, and provide effective supervision of all business attachments or those with business incubators throughout the Fiji Islands to ensure quality management and outcomes of the scheme for both the participants and employers.

(4) An employer or entrepreneur providing a business attachment or business incubator service under subsection (1) must prepare and deliver quality on-the-job training programme to unemployed persons or retirees as prescribed, which is compatible with the needs of the self-employment markets available to the employer or entrepreneur.

(5) As part of the on-the-job training programme under subsection (4), the employer or entrepreneur must provide quality orientation with clear objectives of the programme and expected outputs and outcomes to be achieved by the participants at the end of the programme.

(6) At the end of the business attachment, the employer or entrepreneur must provide to the participant a Certificate of Business Attachment under the employer's or entrepreneur's official letterhead, highlighting the participant's attachment details as prescribed. A copy of the Certificate of Business Attachment must also be sent to the National Employment Centre Secretariat.

Starting small and micro enterprises

70.—(1) At the end of the business attachment period, an employer or entrepreneur may act as a mentor to a participant as the participant starts his or her small or micro enterprise through networking to promote sustainability of the new enterprise.

(2) Subject to the availability of fund, the Self-Employment Service or the National Employment Centre must also provide necessary seed funding under Part 12 of the Decree and technical support service to the new entrepreneur to successfully establish and sustain his or her enterprise.

(3) The criteria for access to any seed funding by any unemployed person who has successfully completed the Self-Employment Service training and business attachment, including any small or micro enterprise through the small and micro-finance facilities under section 53, and any technical support service under subsection (2), shall be as prescribed.

(4) Notwithstanding the provisions of subsection (3), an officer of the Self-Employment Service must conduct periodic site visits and monitoring inspections, providing professional advice where needed to ensure that the new enterprise is operating successfully and also to ensure that its seed funding is properly utilised and accounted for the purpose it was given.

(5) The officer conducting a site monitoring visit under subsection (4) must, within one week, provide his or her site visit report to the Chief Executive Officer or manager of the Self-Employment Service in the prescribed manner.

(6) The Self-Employment Service must, within one month, thoroughly analyse all the feedback reports acquired under subsection (5) and ensure that timely and proper advice and interventions are given to the new entrepreneurs to promote the success, sustainability and productivity of the new enterprises.

Strategic plan and annual corporate plan

71. The Self-Employment Service must, in a timely manner, prepare and finalise the strategic plan and annual corporate plan of the Service after consultations with its working committee, relevant stakeholders, staff of the Service, Secretariat and Board of the National Employment Centre before the plans are endorsed by the Board and approved by the Minister.

Compliance with quality management and governance systems

72.—(1) The operating systems and procedures of the Self-Employment Service must comply with and be certified to the ISO 9001 quality management standards.

(2) Subject to subsection (1), the Self-Employment Service must design, develop and implement a quality competency-based skills training package for its entire staff to ensure that they are competent to manage the ISO certified systems and processes to the required customer service quality standards.

(3) The governance system of the Self-Employment Service must also comply with the Fiji business excellence criteria and the social responsibility guidelines specified under the ISO 26000 standards.

(4) The Self-Employment Service must design, develop and implement a value-based skills training package for its entire staff to ensure that they internalise the Fiji business excellence and social responsibility values and exhibit social responsibility behaviours in accordance with the spirit of the business excellence and ISO 26000 standards.

Performance reports

73.—(1) The Self-Employment Service must, in a timely manner, finalise and forward to the National Employment Centre Secretariat, the chairperson of the National Employment Centre Board and the Minister a copy of the performance report of the Self-Employment Service on a quarterly, bi-annual and annual basis.

(2) The performance reports must clearly state the key performance indicators committed in the annual corporate plan and the targets achieved in terms of outputs and outcomes against these indicators with relevant analysis and qualified comments.

Annual report

74.—(1) The Self-Employment Service must, in a timely manner, forward a copy of the annual report of the Service to the National Employment Centre Secretariat, the chairperson of the National Employment Centre Board and the Minister, including the host Minister of the Service.

(2) The annual report of the Self-Employment Service must be integrated into the annual report of the National Employment Centre which includes the annual reports of the other Employment Creation Services.

PART 10—FIJI VOLUNTEER SERVICE

Object of this Part

75. The object of this Part is to establish the Fiji Volunteer Service to promote a strong sense of service and civic pride amongst the people of the Fiji Islands. The Service operates not only in the Fiji Islands but also throughout the region and globally.

Goals of the Fiji Volunteer Service

76.—(1) The purpose of the Fiji Volunteer Service is to engage unemployed persons and retirees who wish to serve society in the spirit of volunteering in any local, regional or international undertakings, including green growth projects.

(2) In the human development process, a person may wish to become a professional volunteer as an alternative or as part of their personal development before being absorbed into the formal or self-employment sectors either within Fiji or overseas.

(3) The goal of the service is to develop a strong sense of civic pride and alleviate social problems in our nation. Volunteering is considered one of the best and productive forms of personal and professional development, richly adding value to society in the most cost-effective and caring ways through free contribution of efforts, skills and time in charitable ventures and humanitarian assistance to the less fortunate people in society.

Establishment and designation of Fiji Volunteer Service

77.—(1) This section establishes a Fiji Volunteer Service under the jurisdiction of the National Employment Centre for the purposes of providing quality counselling and skills training for unemployed persons and retirees, to facilitate their engagement as professional volunteers within the Fiji Islands, regionally or internationally.

(2) The Minister shall, by notice in the *Gazette*, designate and establish the Human Resource Management Division of the Public Service Commission to be the Fiji Volunteer Service.

(3) The management and operation of the Fiji Volunteer Service designated and established by the Minister under this section shall be as prescribed.

Life skills training

78.—(1) The Fiji Volunteer Service designated and established under section 77 must provide a quality life skills training course compatible with the needs of unemployed persons and retirees, and recognised under the national qualification framework.

(2) A life skills training course provided under subsection (1) must be designed and conducted as prescribed, with the aim of promoting the holistic development of unemployed persons and retirees enabling them to become disciplined and productive volunteers.

(3) A trainer conducting any part or the whole of the life skills training course must be an accredited trainer.

Employment skills training

79.—(1) The Fiji Volunteer Service designated and established under section 77 must provide quality employment skills training course compatible with the needs of unemployed persons and retirees, and recognised under the national qualification framework.

(2) An employment skills training course provided under subsection (1) must be designed and conducted as prescribed, with the aim of developing generic and specific employment knowledge and skills that are relevant to the needs of volunteers and the demands of the projects they are assigned to.

(3) A trainer conducting any part or the whole of the employment skills training course must be an accredited trainer.

Volunteer assignment

80.—(1) The Fiji Volunteer Service designated and established under section 77 may arrange with employers' organisations or employers or civil society organisations or regional agencies or international agencies or other bodies to provide appropriate volunteer assignments for unemployed persons and retirees enrolled under the Service.

(2) The Fiji Volunteer Service must provide advice and awareness training to employers and the general public on the development role of the Service, including the legal requirements and benefits associated with volunteer assignments.

(3) The Fiji Volunteer Service must closely liaise with employers' organisations, employers, civil society organisations, the Ministry of Foreign Affairs, the Fiji Islands overseas embassies and other bodies to provide effective management and supervision of all volunteer assignments throughout the Fiji Islands and abroad to ensure quality outcomes of the scheme for the participants, employers, relevant agencies and the Government.

(4) Any engagement of volunteers must also comply with the fundamental principles and rights at work and the equal employment opportunity principles under Parts 2 and 9 respectively of the Employment Relations Promulgation 2007.

(5) The Minister may prescribe other administration matters associated with the Fiji Volunteer Service in the Regulations.

Strategic plan and annual corporate plan

81. The Fiji Volunteer Service must, in a timely manner, prepare and finalise the strategic plan and annual corporate plan of the Service after consultations with its working committee, relevant stakeholders, staff of the Service, Secretariat and Board of the National Employment Centre before the plans are endorsed by the Board and approved by the Minister.

Compliance with quality management and governance systems

82.—(1) The operating systems and procedures of the Fiji Volunteer Service must comply with and be certified to the ISO 9001 quality management standards.

(2) Subject to subsection (1), the Fiji Volunteer Service must design, develop and implement a quality competency-based skills training package for its entire staff to ensure that they are competent to manage the ISO certified systems and processes to the required customer service quality standards.

(3) The governance system of the Fiji Volunteer Service must also comply with the Fiji business excellence criteria and the social responsibility guidelines specified under the ISO 26000 standards.

(4) The Fiji Volunteer Service must design, develop and implement a value-based skills training package for its entire staff to ensure that they internalise the Fiji business excellence and social responsibility values and exhibit social responsibility behaviours in accordance with the spirit of the business excellence and ISO 26000 standards.

Performance reports

83.—(1) The Fiji Volunteer Service must, in a timely manner, finalise and forward to the National Employment Centre Secretariat, the chairperson of the National Employment Centre Board and the Minister a copy of the performance report of the Fiji Volunteer Service on a quarterly, bi-annual and annual basis.

(2) The performance reports must clearly state the key performance indicators committed in the annual corporate plan and the targets achieved in terms of outputs and outcomes against these indicators with relevant analysis and qualified comments.

Annual report

84.—(1) The Fiji Volunteer Service must, in a timely manner, forward a copy of the annual report of the Service to the National Employment Centre Secretariat, the chairperson of the National Employment Centre Board and the Minister, including the host Minister of the Service.

(2) The annual report of the Fiji Volunteer Service must be integrated into the annual report of the National Employment Centre which includes the annual reports of the other Employment Creation Services.

PART 11—FOREIGN EMPLOYMENT SERVICE

Object of this Part

85. The object of this Part is to establish the Foreign Employment Service under the jurisdiction of the National Employment Centre as one of the Employment Creation Services under this Decree. The goal of the Foreign Employment Service is to provide quality human resource development service to unemployed persons and retirees to facilitate their absorption into decent and environmentally-responsible overseas employment to boost employment creation and productivity.

Establishment and designation of Foreign Employment Service

86.—(1) The Minister shall establish a Foreign Employment Service under the jurisdiction of the National Employment Centre for the purposes of providing quality foreign employment services which involve orientation training to the unskilled, semi-skilled or skilled unemployed persons and retirees, to facilitate their recruitment into the foreign employment market.

(2) The Minister shall, by notice in the *Gazette*, designate and establish the Foreign Employment Unit operated under or hosted by the Ministry of Labour to be the Foreign Employment Service.

(3) The Foreign Employment Service shall closely liaise with the Ministry of Foreign Affairs and shall abide by relevant international treaties and protocols that bind the Government.

(4) The management and operation of the Foreign Employment Service designated and established by the Minister under this section shall be as prescribed.

Life skills training

87.—(1) The Foreign Employment Service designated and established under section 86 must provide a quality life skills training course compatible with the overseas employment needs of unemployed persons and retirees, and recognised under the national qualification framework.

(2) A life skills training course provided under subsection (1) must be designed and conducted as prescribed, with the aim of promoting the holistic development of unemployed persons and retirees enabling them to become disciplined and productive foreign employment workers.

(3) A trainer conducting any part or the whole of the life skills training course must be an accredited trainer.

Employment skills training

88.—(1) The Foreign Employment Service designated and established under section 86 must provide quality employment skills training course compatible with the foreign employment needs of unemployed persons and retirees, and recognised under the national qualification framework.

(2) An employment skills training course provided under subsection (1) must be designed and conducted as prescribed, with the aim of developing generic and specific employment knowledge and skills that are relevant to the needs of unemployed persons and retirees and the demands of the targeted foreign employment markets.

(3) A trainer conducting any part or the whole of the employment skills training course must be an accredited trainer.

Pre-departure orientation training

89.—(1) The Foreign Employment Service designated and established under section 86 must arrange and implement quality pre-departure training to effectively orientate persons successfully recruited to commence foreign employment contracts.

(2) The Foreign Employment Service must provide advice and raise awareness to the general public on the development role of the Service, including the legal requirements and minimum conditions of employment associated with foreign employment contracts.

(3) The Foreign Employment Service must closely liaise with employment agencies, local employers' organisations, overseas employers, the Ministry of Foreign Affairs and the Fiji Islands overseas embassies to provide effective management and supervision of all foreign employment contracts to ensure quality outcomes of the scheme for the participants, overseas employers and the Government.

(4) The Minister may prescribe other administration matters associated with the Foreign Employment Service in the Regulations.

Attestation of foreign contracts

90.—(1) Any ‘foreign contract of service’ must be submitted by the local employment agency or overseas employer to the Permanent Secretary for attestation before it is signed by the worker.

(2) Enlisting, registration, recruitment or deployment of any person for employment under any ‘foreign contract of service’ by an employment agency must comply with the relevant requirements of the Employment Relations Promulgation 2007 and the Employment Relations (Employment Agencies) Regulations 2008.

(3) To facilitate the process under subsection (2), the Foreign Employment Service is required to provide quality job placement services to meet the needs of both the overseas employers and prospective local workers.

Strategic plan and annual corporate plan

91. The Foreign Employment Service must, in a timely manner, prepare and finalise the strategic plan and annual corporate plan of the Service after consultations with its working committee, relevant stakeholders, staff of the Service, Secretariat and Board of the National Employment Centre before the plans are endorsed by the Board and approved by the Minister.

Compliance with quality management and governance systems

92.—(1) The operating systems and procedures of the Foreign Employment Service must comply with and be certified to the ISO 9001 quality management standards.

(2) Subject to subsection (1), the Foreign Employment Service must design, develop and implement a quality competency-based skills training package for its entire staff to ensure that they are competent to manage the ISO certified systems and processes to the required customer service quality standards.

(3) The governance system of the Foreign Employment Service must comply with the Fiji business excellence criteria and the social responsibility guidelines specified under the ISO 26000 standards.

(4) The Foreign Employment Service must design, develop and implement a value-based skills training package for its entire staff to ensure that they internalise the Fiji business excellence and social responsibility values and exhibit social responsibility behaviours in accordance with the spirit of the business excellence and ISO 26000 standards.

Performance reports

93.—(1) The Foreign Employment Service must, in a timely manner, finalise and forward to the National Employment Centre Secretariat, the chairperson of the National Employment Centre Board and the Minister a copy of the performance report of the Foreign Employment Service on a quarterly, bi-annual and annual basis.

(2) The performance reports must clearly state the key performance indicators committed in the annual corporate plan and the targets achieved in terms of outputs and outcomes against these indicators with relevant analysis and qualified comments.

Annual report

94.—(1) The Foreign Employment Service must, in a timely manner, forward a copy of the annual report of the Service to the National Employment Centre Secretariat, the chairperson of the National Employment Centre Board and the Minister, including the host Minister of the Service.

(2) The annual report of the Foreign Employment Service must be integrated into the annual report of the National Employment Centre which includes the annual reports of the other Employment Creation Services.

PART 12—NATIONAL EMPLOYMENT CENTRE TRUST FUND

Object of this Part

95. The object of this Part is to establish a National Employment Centre Trust Fund to be held in trust by the nominated representatives of the National Employment Centre Board as trustees of the Fund. The Fund may be applied by the Minister, on the advice of the Board, for the purposes of defraying the expenses of the National Employment Centre and the promotion and creation of employment and business opportunities in the formal employment market, self-employment market, Fiji volunteer service or the foreign employment market, including the incentivisation of green jobs, green growth and green productivity.

The Fund

96.—(1) There shall be established in the special deposits account within the Ministry a National Employment Centre Trust Fund.

(2) The Fund shall consist of—

- (a) any money provided by Cabinet or Parliament for the purposes of the Fund or required to be paid into the Fund by or under this or any other law;
- (b) any grant or donation paid into the Fund from any local, regional or international agency or charity;
- (c) any grant paid into the Fund from any Government;
- (d) any grant, contribution or donation paid into the Fund from any local, regional or international corporate entity or individual;
- (e) any donation paid into the Fund from the public;
- (f) any donation paid into the Fund from any philanthropist or by bequest or fund-raising activity;
- (g) any investment return on any of the Fund's assets;
- (h) any prescribed user-pay services revenue acquired by the National Employment Centre or any of its Employment Creation Services;
- (i) any grant, contribution or donation paid into the Fund from any local, regional or international training institution; and
- (j) any other donation or contribution paid into the Fund.

(3) There shall be paid out of the Fund all amounts payable under section 97 of this Decree and all other amounts required to be paid out of the Fund by or under this Decree.

(4) The management of the Fund, including the receipt of monies into the Fund, the payment of monies out of the Fund and investment of the Fund, shall be in accordance with international accounting best practice as prescribed.

Payments of the Fund

97.—(1) The money standing to the credit of the Fund may be applied by the Minister, on the advice of the Board, for the purposes of defraying the expenses of the following activities associated with employment creation—

- (a) life skills, employment skills and entrepreneurship skills training;
- (b) training for small and micro enterprises (SME), social enterprises and Local Economic Development (LED) programmes;
- (c) seed funding for small and micro enterprises, social enterprises and LED programmes;
- (d) incentive schemes, including the promotion of green jobs and green industries;
- (e) financing of the National Employment Centre and its network offices;
- (f) financing of the National Employment Centre Secretariat;
- (g) financing of the Formal Employment Service;
- (h) financing of the Self-Employment Service;
- (i) financing of the Fiji Volunteer Service;
- (j) financing of the Foreign Employment Service;
- (k) media marketing and promotion of employment creation, including expo shows;
- (l) awareness programmes and training to employers, the general public and other stakeholders;
- (m) market research and policy or service product development relating to any employment promotion or employment creation activity;
- (n) prudent investment to maximise the returns on the Fund;
- (o) professional counselling of unemployed persons;
- (p) information and communication technologies with data management;
- (q) consultancies on employment creation matters;
- (r) financing of the Board operations;
- (s) assets including transportation and recreational facilities;
- (t) local, regional or international cooperation or agreements on labour mobility matters;

- (u) servicing of strategic partnership agreements;
- (v) compliance and certification to international standards and best practices; and
- (w) any other activity considered by the Board or the Minister to promote the vision and mission of the National Employment Centre or any of its Employment Creation Services.

(2) The Board shall provide an audited financial account of the Fund to the Minister on or before 30th September in each year.

PART 13—OFFENCES

Offence to delay or obstruct officer

98.—(1) A person who—

- (a) wilfully delays or obstructs an officer performing a duty conferred by this Decree;
- (b) fails to comply with a direction, requirement, request, demand or inquiry of the officer in accordance with the powers conferred by this Decree; or
- (c) conceals or prevents a person from appearing before or being examined by the officer,

commits an offence and is liable on conviction to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 12 months.

(2) A person who—

- (a) makes or causes to be made or knowingly allows to be made an entry in a record required under this Decree to be kept by employers, which the person knows to be false in a material particular; or
- (b) produces, provides, causes or allows to be produced or provided, a record, list or information which the person knows to be false in a material particular,

commits an offence and is liable on conviction to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 12 months or both.

General penalty

99. A person who commits an offence under this Decree for which no particular penalty is provided, is liable on conviction—

- (a) for an individual, to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 2 years or both;
- (b) for a company or corporation, to a fine not exceeding \$50,000; and
- (c) where applicable, to disqualification from holding any position of the National Employment Centre Secretariat or any of the Employment Creation Services.

PART 14 — MISCELLANEOUS

Protection against civil and criminal proceedings

100. No action or proceeding, civil or criminal, lies against the Permanent Secretary or an officer or a member of an institution or body established by or under this Decree, for anything done or omitted in good faith in the exercise or purported exercise of their functions under this Decree.

Time for instituting proceedings for offences

101. Notwithstanding anything in any other written law, proceedings for an offence against this Decree may be instituted within the period of 12 months after the act or omission alleged to constitute the offence except that the Court may grant leave to extend such period for a further 6 months.

Fixed penalties

102.—(1) The fixed penalties for which fixed penalty notices may be issued are as prescribed.

(2) An officer authorised in writing by the Board may issue a fixed penalty notice for the purpose of this Decree.

(3) The fixed penalty notice must be issued in the prescribed form and contain the prescribed matters.

(4) The penalties prescribed in fixed penalty notices shall not exceed one-fifth of the maximum penalty prescribed for that offence.

Regulations

103.—(1) The Minister may, on advice of the Employment Relations Advisory Board, make regulations to give effect to any of the provisions of this Decree, and in particular to make regulations for any of the following purposes—

- (a) providing for the particulars to be contained in any condition of engagement with the National Employment Centre under Part 7 of this Decree, including data management, attachment allowances, workplace strategic partnerships and compulsory registration of unemployed persons;
- (b) prescribing matters relating to life skills training, employment skills training, entrepreneurship skills training, workplace attachments, certificates of attachments, volunteer assignments, business attachments, foreign employment and the management, operation and monitoring of any of these matters under Parts 8, 9, 10 and 11 of this Decree;
- (c) prescribing the records, registers, books, accounts and other documents to be kept and the information or returns to be rendered by employers and other persons in respect of attachés, volunteers and foreign employment;
- (d) prescribing matters relating to the promotion of vocational training and rehabilitation into decent employment for persons with disabilities;
- (e) prescribing fixed penalties, fees and forms under this Decree;
- (f) prescribing matters relating to the management of the National Employment Centre Trust Fund under Part 12 of this Decree, including seed funding criteria;
- (g) prescribing matters relating to the promotion, creation and sustenance of green jobs, green industries and green growth; and
- (h) prescribing all matters which are required or needed to be prescribed by this Decree.

(2) Regulations made under the provisions of subsection (1) may impose conditions, require acts or things to be performed or done to the satisfaction of the National Employment Centre Board or Secretariat or officers of the Employment Creation Services and empower the designated officer of the Board to issue orders either orally or in writing prohibiting acts or things from being performed or done or requiring acts or things to be performed or done, and prescribe periods or dates upon, within or before which the conditions must be fulfilled, and provide for appeals against orders, notices or directions.

(3) Regulations made under this Decree may impose a fine not exceeding \$10,000 or a term of imprisonment not exceeding 1 year or both.

(4) The Minister may, on the advice of the Employment Relations Advisory Board, issue codes of practice or guidelines for the purposes of this Decree.

GIVEN UNDER MY HAND this 21st day of December 2009.

EPELI NAILATIKAU
President of the Republic of Fiji